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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Honorable Tom Butler  
Member, Alabama State Senate  
Madison County Legislative Office  
Suite A  
100 Saint Clair Avenue  
Huntsville, Alabama 35801

Alabama State Flag - Volunteer Fire  
Departments

Because volunteer fire departments are not state agencies, section 1-2A-7 of the Code of Alabama does not require that the department fly the state flag. If a department is sanctioned by a municipality, the fire department building may be a municipal building that must fly the flag under section 1-2A-5.

Dear Senator Butler:

This opinion of the Attorney General is issued in response to your request.

QUESTION

Does section 1-2A-7 of the Code of Alabama require that volunteer fire departments fly the state flag?

FACTS AND ANALYSIS

The Alabama State Flag Act, section 1-2A-1, *et seq.*, of the Code of Alabama, provides for the display of the flag. The act requires the flying of the flag by county courthouses [ALA. CODE § 1-2A-4 (1999)], state and local law enforcement agencies [ALA. CODE § 1-2A-5 (1999)], state parks or historic sites [ALA. CODE § 1-2A-6 (1999)], state agencies [ALA. CODE § 1-2A-7 (1999)], and municipal buildings [ALA. CODE § 1-2A-8 (1999)]. Your question concerns section 1-2A-7, which specifically provides that "[e]ach facility or building located

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in this state that is affiliated with any department or agency of the state and supported in whole or in part by public funds, shall prominently display the Alabama State Flag . . . ." ALA. CODE § 1-2A-7 (1999).

This Office has addressed volunteer fire departments in the context of the proper use of department funds on numerous occasions. Most recently, it was explained that, under section 9-3-17 of the Code of Alabama, volunteer fire departments can be created in one of two ways -- as a private entity or a local governmental entity. Opinion to Honorable Roger D. Bedford, Jr., Member, Alabama State Senate, dated January 5, 2001, A.G. No. 2001-059. The volunteer fire department can be an incorporated nonprofit organization or sanctioned by a political subdivision of the state. *Id.* In the latter case, the department becomes part of the particular governmental subdivision. *Id.* For example, "[v]olunteer fire departments sanctioned by a . . . municipality . . . become part of the municipal government." *Id.* See also opinion to Honorable Seth Hammett, Member, House of Representatives, dated January 8, 1996, A.G. No. 96-00086. If it is a municipally sanctioned fire department, however, the fire department building may be a municipal building that must fly the Alabama flag under section 1-2A-5 of the Code of Alabama.


### CONCLUSION

Because volunteer fire departments are not state agencies, section 1-2A-7 of the Code of Alabama does not require that the department fly the state flag. If a department is municipally sanctioned, however, the fire department building may be a municipal building that must fly the flag under section 1-2A-5 of the Code of Alabama.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

TROY KING  
Attorney General  
By:

  
CAROL JEAN SMITH  
Chief, Opinions Division

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